

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
	:	Case No. 7-16-70782-JAD
CHARLOTTE LIVINGSTON,	:	
Debtor	:	
	:	Chapter 7
CHARLOTTE LIVINGSTON,	:	
Movant	:	
VS.	:	
	:	Doc. No.
BRUCE HOSTETTER, d/b/a RHINO	:	
LININGS OF LEBANON,	:	
Respondent	:	
		Hearing Date & Time:
		December 14, 2018, at 11 a.m.

MOTION OF DEBTOR CHARLOTTE LIVINGSTON
TO AVOID THE LIEN OF BRUCE HOSTETTER

TO THE HONORABLE JEFFREY A. DELLER, CHIEF BANKRUPTCY JUDGE:

COMES NOW, Charlotte Livingston, Debtor herein, by her attorneys, the law firm of Stover, McGlaughlin, Gerace, Weyandt & McCormick, P.C., and respectfully moves as follows:

1. Movant is the Chapter 7 Debtor of the within estate.
2. Respondent Bruce Hostetter (Hostetter) is a creditor of the within estate, with a mailing address of 205 Obie Road, Lebanon, Pennsylvania 17042. His attorneys are Larry W. Miller, Jr., Esquire, of 25 Stevens Avenue, West Lawn, PA 19609; and Matthew Zatko, Esquire, of 202 East Union Street, Somerset, PA 15501.
3. Specialized Loan Servicing, LLC, (SLS) is a creditor of the within estate, with a mailing address of Post Office Box 636007, Littleton, Colorado 80163. Its attorney is Mark Udren & Associates of Woodcrest Corp. Center, 111 Woodcrest Road, Suite 200, Cherry Hill, New Jersey 08003.

4. Among the assets of the within estate are the Debtor's residence, located at 421 East Penn Street, Bedford, Pennsylvania 15522 (home), as stated in Schedule A, and furniture and other household goods, television sets and other electronics, antiques and other collectibles, a treadmill and other sports equipment, a gun, coats and other clothes, a brooch and other jewelry, and cats (household possessions), as stated in Schedule B.

5. The aforesaid assets are currently in the possession of Movant.

6. The aforesaid assets are held primarily for the personal, family or household use of Movant or a dependent of Movant.

7. According to the opinion of Movant, the market value of the Debtor's home is \$170,000, and of the household possessions is \$6,255. The value of Movant's claimed exemptions in her home is \$0, and the value of Movant's claimed exemptions in the household possessions is \$6,255.

8. Hostetter has a judgment lien on the Debtor's home, filed on September 2, 2014, and an execution lien on the household possessions, filed on September 12, 2016, in Bedford County to civil docket no. 2014-1087. The allowed claim amount is \$58,704.64.

9. Debtor's home is subject to a prior mortgage lien of Deutsche Bank National Trust Company, recorded on February 1, 2002, in Bedford County record book 898 at Page 540. The allowed claim amount is \$223,250.26, of which \$170,000 is secured upon the value of the Debtor's home.

10. Hostetter's lien impairs exemptions to which the debtor

would have been entitled under 11 U.S.C. Section 522(b).

WHEREFORE, Charlotte Livingston, Debtor herein, respectfully requests that this Honorable Court enter an order avoiding the above-described lien of Bruce Hostetter, and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

STOVER, McGLAUGHLIN, GERACE,
WEYANDT & McCORMICK, P.C.

Dated: 10/1/2018

BY: /s/ Donald M. Hahn

Donald M. Hahn, Esquire
122 East High Street
P.O. Box 209
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(814) 355-8235
PA Bar ID 66398
Attorney for Debtor

d522avd.onemain

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: :
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NOTICE OF HEARING WITH RESPONSE DEADLINE
ON MOTION OF DEBTOR CONSTANCE L. MANN
TO AVOID THE LIEN OF ONEMAIN FINANCIAL

TO THE RESPONDENT(S):

You are hereby notified that Movant seeks and order affecting your rights or property.

You are further notified to file with the Clerk and serve upon the undersigned attorney for Movant a response to the motion no later than **October 18**, 2018, i.e., seventeen (17) days after the date of service below, in accordance with the Federal Rules of Bankruptcy Procedure, Local Rules and Procedures of this Court, and the procedure of the Presiding Judge as found on the Judge's web page at www.pawb.uscourts.gov. If you fail to timely respond, the Motion may be granted by the Court by default without a hearing. Please refer to the Judge's calendar posted on the website www.pawb.uscourts.gov to verify if a default order was signed or if the hearing will go forward as scheduled.

You should take this to your lawyer at once.

A hearing will be held on **December 14**, 2018, at **11:00** a.m. before Judge Deller in Courtroom B, First Floor, Penn Traffic Building, 319 Washington Street, Johnstown, PA 15901*. Only a limited time of 10 minutes is being provided on the calendar. No witnesses will be heard. If there is an issue of fact, an evidentiary hearing will be scheduled at a later date by the Court. An order granting the relief sought may be entered and the hearing may not be held if you do not timely file and serve a written response.

- **NOTE: Video Conferencing equipment has been installed in Courtroom B in Johnstown, Pennsylvania, and also in Courtroom D in Pittsburgh, Pennsylvania. Attorneys may appear at either Courtroom B in Johnstown or Courtroom B in Pittsburgh.**

STOVER, McGLAUGHLIN, GERACE,
WEYANDT & McCORMICK, P.C.

Date of Service: 10/1/2018

BY: /s/ Donald M. Hahn
Donald M. Hahn, Esquire
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Bellefonte, PA 16823
(814) 355-8235
PA Bar ID 66398
Attorney for Debtor

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	
	:	Case No. 7-16-70782-JAD
CHARLOTTE LIVINGSTON,	:	
Debtor	:	
	:	Chapter 7
CHARLOTTE LIVINGSTON,	:	
Movant	:	
VS.	:	
	:	Doc. No.
BRUCE HOSTETTER, d/b/a RHINO	:	
LININGS OF LEBANON,	:	
Respondent	:	
		Hearing Date & Time:
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ORDER AVOIDING THE LIEN OF BRUCE HOSTETTER

AND NOW, upon consideration of the Debtor's Motion to Avoid Lien filed herein, it is accordingly

ORDERED that the judicial lien on Debtor's residence, located at 421 East Penn Street, Bedford, Pennsylvania 15522, and Debtor's furniture and other household goods, television sets and other electronics, antiques and other collectibles, a treadmill and other sports equipment, a gun, coats and other clothes, a brooch and other jewelry, and cats is hereby avoided inasmuch as said lien impairs the Debtors' exemption under 11 U.S.C. Section 522(b).

BY THE COURT:

Jeffrey A. Deller
Bankruptcy Judge